

It is respectfully submitted that all bases of rejection based upon MOODS, either under 35 U.S.C. §102(b) or 35 U.S.C. §103(a), are improper, and are traversed and overcome for the reasons as discussed hereinafter.

Applicant wishes to thank the Examiner and acknowledge a phone conference of July 19, 2001, where a brief discussion of the priority basis for the MOODS document was discussed with the Examiner. The Examiner stated that the basis of rejection was that on page seven of sixteen [7 of 16] of the MOODS reference, it talked about a prototype implemented on the basis of results of projects LIOO and MSLIOO. The Examiner then referenced page fourteen of sixteen [14 of 16] of the MOODS reference, stating that the research activity produced LIOO in January of 1995 and MSLIOO in 1996. Page fourteen [14] also states that the project of MOODS did not start until July of 1997.

Consistent with the brief discussion with the Examiner, and the Examiner's recommendation to place the remarks into a formal response, Applicant respectfully submits that the proper date for this reference is its publication date which is September 1998 (see page two of sixteen [2 of 16]). Furthermore, the Examiner's reliance on the dates set forth are improper as is explained hereafter.

First, page seven of sixteen [7 of 16] of the MOODS reference also states, at line three [3], that "...the prototype that you will see at work is the first prototype of very complex system . . .," and that "In this phase, MOODS does not pretend to be a complete and robust product but only an advanced prototype for demonstrating the potentiality of the solution. . . ." (page seven of sixteen [7 of 16], lines six and seven [6 and 7] of the MOODS reference). Furthermore, at page thirteen of sixteen [13 of 16], in the section dealing with the historical issues and the consortium ("1. \*Consortium and Project: Historical Issues"), lines fifteen and sixteen [15 and 16] of the MOODS reference, it states that "... the idea of electronic lectern as many others, has been confined in the collective imagination for several years. It needed innovative technological solutions to be realized."

Based upon the dates in the reference provided, and upon the information therein, there is absolutely no basis to determine what was contained in the original prototypes that DSI worked on prior to commencement of MOODS. Furthermore, on page four of sixteen [4 of 16], fifth bulleted item, it states that ELSEL was a project partner responsible for the hardware of the lecterns. Furthermore, at page fifteen of sixteen [15 of 16], first bulleted paragraph, it states that

“ELSEL intends to proceed by engineering this prototype and commercializing a derived product of MOODS in the second half of 1999.” Thus, there was no fully functional prototype or product in 1999. The work of DSI as listed on page four of sixteen [4 of 16], first bulleted item, was limited to software for the lecterns and music notation.

Also, on page four of sixteen [4 of 16], the second sentence on that page states, “**This is the absolutely first public presentation of MOODS project.**” (Bold emphasis added.) Thus, based on the contents of the cited MOODS reference, there is no basis to reject the Applicant’s pending claims. There is no indication in the reference as to what kind of prototypes existed, whether they were functional, or of any features implemented. Even after the completion of the MOODS project, there wasn’t a fully functioning unit.

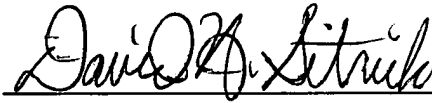
Furthermore, the publication on its own face states that “September of 1998 was the absolute first public presentation of the MOODS project.” Thus, prior to that it was kept non public, and therefore, would not be available as prior art.

Thus, since Applicant’s claimed priority for the pending application is July of 1996, and of the CIP is March of 1998, there is no basis in any way for utilizing the MOODS reference as a basis of rejection of the Applicant’s pending claims under either section 35 U.S.C. §102(b) or 35 U.S.C. §103(a).

It is therefore respectfully submitted that all bases of rejection have been overcome and traversed, and that the application including all claims as currently pending are in proper form for allowance. It is respectfully requested that the application and claims be found allowable, taking the form of a Notice of Allowance or of Allowability.

The Examiner is invited to directly communicate with the undersigned, if it will in any way facilitate the prosecution of the application.

Respectfully submitted,

A handwritten signature in cursive script, reading "David H. Sitrick", written over a horizontal line.

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